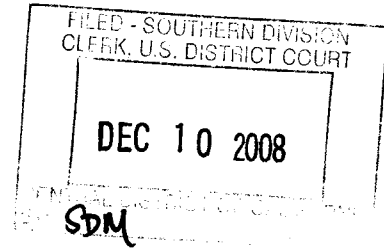


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**United States District Court
 Central District of California**

Commodity Futures) Case No.: SACV08-01352 AG (RNBx)
Trading Commission,)
) ORDER OF PRELIMINARY
Plaintiff,) INJUNCTION AND OTHER
v.) EQUITABLE RELIEF
)
Paul Abad, Thirteen Thirty-)
Two, Inc., and Thirteen)
Thirty-Two, Inc. dba "MRTS)
Asset Management,")
)
Defendants.)

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DEC - 1 AM 10:16
 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SANTA ANA

1 Plaintiff, the United States Commodity Futures
2 Trading Commission ("Commission"), has filed a
3 Complaint for Injunctive and other Equitable Relief and
4 for Civil Penalties ("Complaint") against Paul Abad,
5 Thirteen Thirty-Two, Inc., and Thirteen Thirty-Two,
6 Inc. doing business as "MRTS Asset Management"
7 ("Defendants") alleging violations of the Commodity
8 Exchange Act, 7 U.S.C. §§ 1 *et seq.* ("Act"), as amended
9 by The Food, Conservation, and Energy Act of 2008, Pub.
10 L. No. 110-246, Title XIII (the "CFTC Reauthorization
11 Act of 2008"), §§ 13101-13204, 122 Stat. 1651, and the
12 Commission's Regulations, 17 C.F.R. §§ 1.1 *et seq.*

13 Pursuant to Section 6c of the Act, 7 U.S.C.
14 § 13a-1, the Commission applies for an Order of
15 Preliminary Injunction and Other Equitable Relief
16 ("Order").

17 The Court has considered the pleadings, the
18 application submitted in support of the Commission's
19 request for a Statutory Restraining Order and
20 Preliminary Injunction, the declarations and attached

1 exhibits, the other documents in the record of this
2 case, and the arguments of the parties. Based upon the
3 foregoing, it appears to the Court that there is good
4 cause to believe that the Defendants have engaged in,
5 are engaging in or are about to engage in violations of
6 the Act and Commission Regulations, as alleged, and
7 that a preliminary injunction is necessary to preserve
8 the status quo.
9

10
11
12 ACCORDINGLY, THE COURT GRANTS PLAINTIFF'S
13 APPLICATION AND FINDS AND ORDERS AS FOLLOWS:
14

15 **I. JURISDICTION AND VENUE**

16
17 1. For purposes of this Order, this Court has
18 jurisdiction over Defendants and the subject matter of
19 this action pursuant to Section 6c of the Act, 7 U.S.C.
20 § 13a-1, which authorizes the Commission to seek
21 injunctive relief against any person whenever it shall
22 appear that such person has engaged, is engaging or is
23 about to engage in any act or practice constituting a
24 violation of any provision of the Act or any rule,
25 regulation or order thereunder.
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1 2. Venue properly lies with this Court pursuant to
2
3 Section 6c(e) of the Act, 7 U.S.C. §13a-1(e), in that
4 Defendants are found, inhabit or transact business in
5 this district, and the acts and practices in violation
6 of the Act have occurred, are occurring or are about to
7 occur within this district.
8

9
10 **II. PRELIMINARY INJUNCTION**

11 3. IT IS HEREBY ORDERED that Defendants, their
12 officers, agents, servants, employees, and attorneys,
13 and those persons in active concert or participation
14 with them, are enjoined and restrained, until further
15 order of this Court, from directly or indirectly:
16
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18 a. In or in connection with any order to
19 make, or the making of, any contract of sale of any
20 commodity for future delivery, made, or to be made, for
21 or on behalf of any other persons, where such contract
22 for future delivery was or could be used for (A)
23 hedging any transaction in interstate commerce in such
24 commodity or the products or byproducts thereof, or (B)
25 determining the price basis of any transaction in
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1 interstate commerce in such commodity, or (C)
2 delivering any such commodity sold, shipped, or
3 received in interstate commerce for the fulfillment
4 thereof, (i) cheating or defrauding or attempting to
5 cheat or defraud other persons, (ii) willfully making
6 or causing to be made to other persons any false report
7 or statement thereof, or (iii) willfully deceiving or
8 attempting to deceive other persons, in violation of
9 Sections 4b(a)(1)(A), (B) and (C), 7 U.S.C.
10 §§ 6(b)(a)(1)(A), (B) and (C), for conduct occurring on
11 or after June 18, 2008, and Sections 4b(a)(2)(i), (ii)
12 and (iii), 7 U.S.C. §§ 6(b)(a)(2)(i), (ii) and (iii),
13 for conduct occurring before June 18, 2008;

14
15 b. Using the mails or instrumentalities of
16 interstate commerce in or in connection with their
17 business as a Commodity Pool Operator ("CPO") and
18 Associated Person ("AP") of a CPO while failing to
19 register with the Commission as a CPO and AP, in
20 violation of Sections 4m(1) and 4k(2) of the Act, 7
21 U.S.C. §§ 6m(1) and 6k(2);

1 c. While acting as a CPO and AP of a CPO, and
2 as a Commodity Trading Advisor ("CTA"), employing a
3 device, scheme or artifice to defraud pool
4 participants, clients and prospective pool participants
5 or clients or engaging in a transaction, practice or
6 course of business which operates as a fraud or deceit
7 upon pool participants, clients and prospective pool
8 participants and clients, in violation of Section 4o(1)
9 of the Act, 7 U.S.C. § 6o(1);
10
11

12 d. Failing to operate the pool as a legal
13 entity separate from the CPO, in violation of
14 Commission Regulation 4.20(a), 17 C.F.R. § 4.20(a);
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17 e. Accepting pool funds into accounts that
18 were not in the name of the pool, in violation of
19 Commission Regulation 4.20(b), 17 C.F.R. § 4.20(b);
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22 f. Failing to furnish pool participants with
23 a written Disclosure Document that provided the
24 information required by Commission Regulations, and
25 failing to receive signed and dated acknowledgments
26 from pool participants stating that they received and
27
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1 understood the Disclosure Document, in violation of
2 Commission Regulation 4.21, 17 C.F.R. § 4.21;
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4 g. Failing to distribute periodically to each
5 pool participant an account statement containing the
6 information required by Commission Regulations, in
7 violation of Commission Regulation 4.22, 17 C.F.R.
8 § 4.22; and
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11 h. Soliciting, accepting or receiving funds
12 from managed-account clients in the CTA's name, in
13 violation of Commission Regulation 4.30, 17 C.F.R.
14 § 4.30.
15

16 4. The injunctive provisions of this Order shall
17 be binding upon Defendants, upon any person acting in
18 the capacity of agent, servant, employee, or attorney
19 of Defendants, and upon any person who receives actual
20 notice of this Order by personal service or otherwise
21 insofar as that person is acting in active concert or
22 participation with Defendant or any one of them.
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1 **III. Statutory Restraining Remains In Effect**

2 5. The Court's "*Ex Parte* Statutory Restraining
3 Order to Freeze Assets and Preserve Books and Records,
4 and for an Accounting" (the "SRO"), is incorporated in
5 this Order and, therefore, the SRO shall remain in full
6 force and effect until further order of this Court.
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9 **IV. MISCELLANEOUS**

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11 6. It is further ordered that this Order may be
12 served by facsimile transmission, electronic mail or
13 data transfer, courier service, certified, registered
14 or first class mail, Federal Express or personal
15 service.
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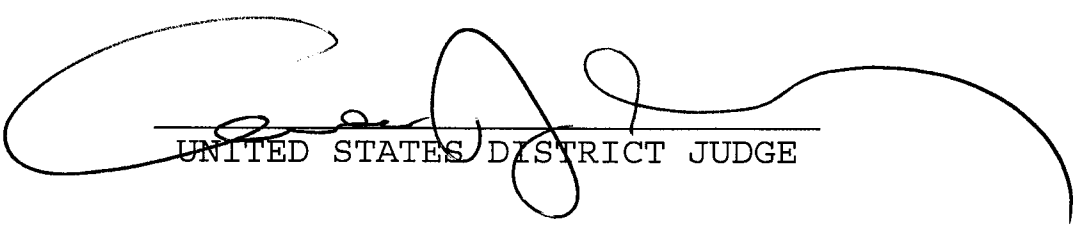
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18 7. This Order shall remain in effect until further
19 order of this Court and this Court shall retain
20 jurisdiction over this case to ensure compliance with
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1 this Order and for all other purposes related to this
2 case.
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5 SO ORDERED, at Santa Ana, California on this

6 10TH

7 day of DECEMBER 2008.
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11 UNITED STATES DISTRICT JUDGE
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